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Case Nos. 90-JTP-9
90-JTP-16

295

V.

ORDER OF DISMISSAL

David A. Clarke, Jr.
DAVID A. CLARKE, JR.
Administrative Law Judge

E-ALJ-000367

U.S. DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
WASHINGTON, D.C. 20036

In the Matter of:)
CENTRO CAMPESINO)
FARMWORKER CENTER,)
Complainant,) Case Nos. 90-JTP-9
v.) 90-JTP-16
U.S. DEPARTMENT OF LABOR,)
Respondent.)
_____)

SETTLEMENT AGREEMENT

This agreement is entered into between the United States Department of Labor and Centro Campesino Farmworker Center, Inc. in complete resolution of the above-referenced cases.

WITNESSETH THAT:

WHEREAS, the Centro Campesino Farmworker Center, Inc. (Grantee) and the United States Department of Labor (Department) entered into Grant Nos. 99-4-2361-56-355-2 and 99-7-2361-56-294-02 under the Job Training Partnership Act, as amended, 29 U.S.C. §§ 1501 et seq., which together with any and all modifications thereto, are referred to as "the **Grants**"; and

WHEREAS, on October 26, 1989 the Grant Officer issued a final determination, based on Audit Report No. 04-89-138-03-365 for the year ended December 31, 1986, disallowing \$53,324 in costs because the Grantee did not have any appropriate cost allocation plan for 1986; and

WHEREAS, on February 23, 1990 the Grant Officer issued a final determination, based on Audit Report No. 04-89-192-03-365 for the year ended December 31, 1987, disallowing \$71,724 in costs because the Grantee did not have an appropriate cost allocation plan for 1987: and

WHEREAS, the Grantee requested a hearing from the Department's Office of Administrative Law Judges with respect to the October 26, 1989 and February 23, 1990 final determinations and the cases were docketed as Case No. 90-JTP-9 and 90-JTP-16 respectively; and

WHEREAS, the Grantee and the Department executed an Indirect Cost Negotiation Agreement dated May 2, 1990 relating to the years in question; and

WHEREAS, the parties desire to resolve these matters without the necessity of additional litigation,

NOW THEREFORE, the parties hereby stipulate and agree as follows:

(1) The parties agree that the Indirect Cost Negotiation Agreement dated May 2, 1990 resolves the audit exceptions relating to indirect cost allocations for the years in question in these proceedings, and the determinations of the Grant Officer relating thereto.

(2) The Indirect Cost Negotiation Agreement dated May 2, 1990 does not affirm or create any liability for payment of indirect costs to the Grantee by the Department.

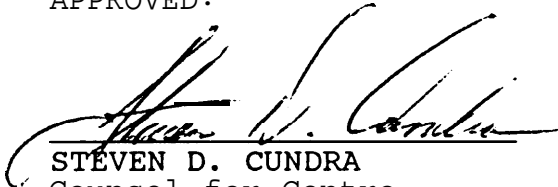
(3) The Grantee agrees that this Settlement Agreement is a full, final and complete settlement of these matters.


(4) Each party hereby agrees to bear its own fees and other expenses incurred by such party in connection with any stage of these proceedings.


(5) This Settlement Agreement is to be effective upon the signature of all parties.

(6) Upon consummation of this settlement, Case Nos. 90-JTP-9 and 90-JTP-16 may be dismissed with prejudice by the Office of Administrative Law Judges.

APPROVED:


STEVEN D. CUNDRA
Counsel for Centro
Campesino Farmworker
Center, Inc.


CHARLES A. WOOD, JR.
Grant Officer
U.S. Department of Labor


FRANK P. BUCKLEY
Attorney for the Grant Officer

SERVICE SHEET

Case Name: Centro Campesino Farmworker Center, Inc.

Case No.: 90-JTP-16

Title of Document: ORDER OF DISMISSAL

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